

Message Text

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ACTION L-02

INFO OCT-01 ARA-10 EUR-10 IO-03 ISO-00 FRB-01 OMB-01

TAR-01 SP-02 SWF-01 AGR-03 AID-05 CIAE-00 COME-00

EB-03 INR-10 LAB-01 NSAE-00 OIC-01 RSC-01 SIL-01

STR-01 TRSE-00 CIEP-01 CEA-01 AF-04 EA-07 NEA-06 SS-14

NSC-07 H-01 PA-01 PRS-01 USIA-04 DRC-01 /106 W

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P R 081708Z OCT 74

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 6099

INFO USMISSION GENEVA

USMISSION OECD PARIS

AMEMBASSY MEXICO

C O N F I D E N T I A L USUN 3809

TREASURY PASS BRADFIELD

E.O. 11652: GDS

TAGS: EGEN, UNCTAD

SUBJ: CHARTER OF ECONOMIC RIGHTS AND DUTIES (CERDS)

REF: STATE 215547

1. SUMMARY. GROUP B MET 3PM MONDAY, 7 OCT., TO DISCUSS APPROACH TO CERDS AT CURRENT INFORMAL CONSULTATIONS. USDEL (SCHWEBEL) WAS REQUESTED TO RESTATE US VIEWS MADE REFTEL. GROUP B RESPONSE VARIED, THOUGH AT CONCLUSION OF DISCUSSION THERE WAS CONSENSUS THAT GROUP B MEMBERS SHOULD MAKE CLEAR TO MEXICANS THAT OUR VIEW TO CHARTER REMAINED CONSTRUCTIVE, THAT WE HOPED FOR ITS CONSENSUS ADOPTION, BUT THAT SUCH CONSENSUS WOULD HAVE TO BE A TRUE CONSENSUS, IN THE ABSENCE OF WHICH GROUP B MEMBERS WOULD CONSIDER CASTING NEGATIVE VOTES. END SUMMARY.

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2. GROUP B CHAIRMAN PUTMAN (BELGIUM) BEGAN MEETING BY ASKING

USDEL (SCHWEBEL) TO REPEAT USG POSITIONS CONTAINED REFTEL INASMUCH AS ALL GROUP B MEMBERS MAY NOT HAVE BEEN FULLY ADVISED.

3. CANDEL (MONTGOMERY) CONCURRED WITH MUCH OF US VIEW, AND ADDED THAT CANADA WAS ESPECIALLY INTERESTED IN WHAT WOULD HAPPEN AFTER END OF CURRENT CONSULTATIONS; NAMELY, IF AGREEMENT NOT REACHED ON MAJOR ITEMS, DO WE SEEK FIFTH CERDS SESSION, DO WE SEEK TO ADOPT AGREED ABBREVIATED TEXT AT THIS GA, OR IF FULL TEXT CERDS COMES TO 29TH GA FOR VOTE, HOW DO WE VOTE. CANDEL ARGUED WE SHOULD DECIDED AND UNIFY ON THESE ISSUES NOW. CANDEL STATED ITS OPENNESS TO FIFTH SESSION AS WELL AS ABBREVIATED TEXT, AND NOTED THAT IF CERDS IS NOT IMPROVED AND COMES UP FOR VOTE THIS GA, CANADA WILL, AT LEAST, VOTE AGAINST CERTAIN PARAS, AND IN THE EXTREME MAY VOTE AGAINST ENTIRE TEXT. CANDEL SUGGESTED WE MAKE CLEAR OUR VIEWS TO MEXICANS, THEREBY SHIFTING THE BURDEN TO MEXICANS AND G-77. THIS MIGHT ENCOURAGE MEXICANS AND G-77 TO PROPOSE A FIFTH SESSION OR AN ABBREVIATED AGREED TEXT. IN LATTER CONTEXT, CANDEL STATED WE SHOULD GIVE CONSIDERATION TO WHAT AN ABBREVIATED AGREED TEXT WOULD CONTAIN.

4. AUSTRALIAN DEL (TEECE) AGREED WITH CANDEL PROPOSAL TO PUT PRESSURE ON MEXICO AND G-77. HE STATED HIS BELIEF THAT A NUMBER OF G-77 WERE ACTIVELY TORPEDOING DEVELOPMENT OF COMPROMISE TEXT BECAUSE OF THEIR ESTIMATE THEY CAN RAM MAXIMUM OBJECTIONABLE TEXT THRU THIS GA WITHOUT ANY GROUP-B NEGATIVE VOTE. HE STATED CANDEL PROPOSAL WOULD SET RECORD STRAIGHT ON THIS AND MIGHT HELP CONSTRUCTIVE CONSULTATIONS. HE ALSO SUGGESTED THAT, IF VOTING SITUATION AROSE, WE MIGHT CONSIDER VOTING CHARTER PARA BY PARA, THEREBY ALLOWING EACH DEL TO MAKE IT POSITION KNOWN ON EACH PARA.

5. FRANCE, SPEAKING FOR EEC, STATED EEC WANTED ONLY REAL AGREEMENT ON A TEXT, NOT A FALSE CONSENSUS, BUT SAID IT WAS TOO EARLY TO DISCUSS VOTING STANCE BECAUSE FINAL TEXT IS UNKNOWN.

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6. SPAIN BELIEVED IDEA OF FIFTH SESSION DESIRABLE; CONCURRED THAT PLACING PRESSURE ON MEXICO WAS ADVISABLE; AND THOUGHT 1975 SPECIAL SESSION COULD CONSIDER AND ADOPT THE RESULTS OF A FIFTH CERDS SESSION.

7. PORTUGAL MAINTAINED THAT A CHARTER SHOULD NOT BE VOTED ON, BUT SHOULD BE ADOPTED WITHOUT VOTE (CONSENSUS OR UNANIMITY). ADOPTION OF CHARTER BY A CONTESTED VOTE WOULD

BE MEANINGLESS.

8. MALTA STATED IT WAS TOO EARLY TO TAKE A VOTING POSITION; NONETHELESS, MALTA INDICATED THAT THERE WAS A POSSIBILITY OF VOTING AGAINST INDIVIDUAL PARAS WHILE NOT OPPOSING TEXT AS A WHOLE.

9. JAPANESE DEL BELIEVED WE SHOULD ADOPT CHARTER BY CONSENSUS BUT NOT IF THIS REQUIRED MAKING UNNECESSARY CONCESSIONS. JAPANESE DEL FAVORED SERIOUS ATTEMPTS AT COMPROMISE WITH G-77 WHICH DID NOT INVOLVE GROUP B MAKING UNNECESSARY CONCESSIONS. IT WAS NOT NOW PREPARED TO STATE A VOTING POSITION.

10. USDEL RESPONDED TO ISSUES OF (A) VOTING AGAINST PARAS BUT VOTING FOR CHARTER, AND (B) WHETHER IT WAS PREMATURE TO DISCUSS VOTING STANCE. AS TO (A), USDEL STATED A CHARTER ADOPTED UNANIMOUSLY BUT WITH NEGATIVE VOTES ON INDIVIDUAL PARAS WOULD TEND TO BE CITED AS AUTHORITATIVE IN THE FUTURE, AND NEGATIVE VOTES ON PARAS WOULD BE FORGOTTEN. UN HISTORY SO DEMONSTRATED. AS TO (B), US POSITION IS BASED ON CERTAIN PRESUMPTIONS OF G-77 POSITIONS WHICH APPEAR TO BE SOUND. NO DELS DIFFERED FROM THESE POINTS.

11. CANDEL (STANFORD) SUPPORTED US VIEW ON PRIOR POINT 10(B), AND STATED GROUP B SHOULD DECIDE IN PRINCIPLE THAT IT WILL NOT FOLLOW PROCEDURE FOLLOWED IN ADOPTION OF DOCUMENTS OF UN SIXTH SPECIAL SESSION, I.E., ADOPTION WITHOUT OBJECTION COUPLED WITH STATEMENTS OF RESERVATIONS.

12. UK DEL (FREELAND) AT THAT POINT INTERVENED STATING HE THOUGHT THERE WAS COMMON GROUND AMONG GROUP B THAT CONFIDENTIAL

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(A) GROUP B ATTITUDE TO CERDS IN PRINCIPLE REMAINS CONSTRUCTIVE AND THAT WE SEEK ADOPTION OF A TRUE REP TRUE CONSENSUS TEXT, AND (B) IT MUST BE MADE CLEAR THAT IF CHARTER IS PRESSED TO VOTE BEFORE TRUE CONSENSUS REACHED, THERE IS DISTINCT POSSIBILITY THAT NEGATIVE VOTES WILL BE CAST.

13. THE CHAIRMAN (BELGIUM) AGREED WITH UK REMARKS STATING HE WAS ABOUT TO SUM UP WITH THE SAME CONCLUSIONS. NO GROUP B MEMBER OBJECTED TO THE UK'S CONCLUSIONS.

14. MEETING THEN PROCEEDED TO ANOTHER ITEM, REPORT ON THE FIRST MEETING OF THE INFORMAL CERDS GROUP. THAT MEETING TOOK PLACE 10:30 A.M. MONDAY, WHILE, ACCORDING TO ALL IN GROUP B, IT HAD BEEN SCHEDULED TO TAKE PLACE

10:30 A.M. TUESDAY, WITH RESULT THAT SOME GROUP B DELS NOT PRESENT.

15. AT THAT MEETING, CASTANEDA STATEMENT WAS NOTED THAT UNCTAD WG OF 40 NO LONGER EXISTED AND THAT THESE INFORMAL CONSULTATIONS WERE OPEN TO ALL. WHILE GROUP B CONCURRED THAT MANDATE OF UNCTAD WG FORMALLY ENDED, AND THAT INTERESTED STATES NOT MEMBERS OF UNCTAD WG WERE INVITED, IT WANTED IT KEPT CLEAR THAT PRESENT CONSULTATIONS STRICTLY UNCTAD AND NOT GA ACTIVITY. IN THIS REGARD, GROUP B NOTED ANNOUNCEMENT OF MEETING IN UN JOURNAL (SATURDAY, 4 OCT, NO. 6032) WHICH REFERRED TO "INFORMAL CONSULTATIONS AMONG MEMBERS OF UNCTAD WG ON CERDS" ADEQUATELY HANDLED POINT -- AT LEAST FOR THE PRESENT. AMB. PUTNAM (BELGIUM) AGREED TO MAKE THIS VIEW CLEAR TO CASTANEDA.

16. IT WAS REPORTED CASTANEDA HAD PROPOSED 2 SUBGROUPS, ONE TO HANDLE PARAS 2, 10 AND 11, THE OTHER TO HANDLE OTHER DISPUTED PARAS AND HENCE TO DEAL ESSENTIALLY WITH TRADE QUESTIONS, PRODUCERS' ASSOCIATIONS, ETC. AFTER SOME DISCUSSION BY ONE MAN DELS (DENMARK AND NETHERLANDS) TO MINIMIZE NUMBER OF SUBGROUPS, OR COORDINATE ATTENDANCE THEREAT, GROUP B CONCURRED SUPPORT CASTANEDA PROPOSAL THAT TWO SUBGROUPS BE CREATED.

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17. UK DEL (FREELAND) REPORTED THAT CASTANEDA WAS INTERESTED IN KNOWING GROUP B POSITION ON PARA 21 OF CERDS. CHAIR (BELGIUM) STATED EEC COULD ACCEPT PARA 21. JAPANESE, CANADIAN AND AUSTRALIAN DELS ALSO STATED THEY COULD ACCEPT, THOUGH EACH DEL HAD RESERVATIONS. JAPANESE DEL, IF ASKED NOW, COULD NOT ADMIT CONCURRENCE. IT WANTS ITS ACCEPTANCE OF PARA 21 TO BE USED IN TRADE OFF LATER IN SESSION. CANADIAN AND AUSTRALIAN DELS HAD DIFFICULTY WITH PHRASE "TAKING INTO ACCOUNT THEIR FUTURE EVOLUTION" IN PARA 21. THEY WOULD LIKE AMBIGUITY IN THIS PARA RECTIFIED. USDEL STATED IT COULD NOT GIVE US POSITION AT THIS TIME. CHAIRMAN AGREED HE WOULD INFORM CASTANEDA GROUP B HAD NOT YET FINALIZED ITS POSITION ON PARA 21.
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Message Attributes

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Disposition Date: 28 MAY 2004
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